THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24962 of 2006

Dated: 08-12-2006

Between:

Eesarapu Latchanna and others.

..... PETITIONERS

AND

The District Collector, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24962 of 2006

ORDER:

The four petitioners claim to own residential houses bearing Nos.38-32-75/1, 2, 3 & 4 constructed in an extent of Ac.0.32 cents in survey Nos.90/1, 90/2 and 105 situated at Parvathinagar, Marripalem, Visakhapatnam. In para 2 of the affidavit accompanying the writ petition, they also addressed the nature and history of the title. But a reference of the same is not necessary. They allege that respondent No.3, namely, the Mandal Revenue Officer (MRO), visited the petitioners' premises and directed them to vacate the same alleging that it is a Government land. Apprehending coercive action of dispossession by MRO, they filed instant writ petition is filed seeking order prohibiting MRO from interfering with their possession.

The case came up before this Court on 06-12-2006 and the same was adjourned at the request of the learned Assistant Government Pleader for Revenue (General-A) for getting instructions. Today, the learned Assistant Government Pleader, on instructions, submits that the petitioners encroached upon the land to an extent of 1,000 sq. yards in survey No.105 and therefore, action is being initiated. He, however, does not dispute that so far no action has been initiated under the provisions of the Andhra Pradesh Land Encroachment Act, 1905. As the petitioners have encroached upon the Government land in survey No.105, it is open to MRO to take action under the provisions of the Act referred to hereinabove. Without such action, possession of the petitioners cannot be disturbed. This observation would safeguard the interests of the petitioners for the present.

The writ petition is accordingly disposed of. No costs.

V.V.S.RAO, J

08th December, 2006

ghn